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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mark J. Enzmann

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GARDNER GROFF GREENWALD & VILLANUEVA, P.C.

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SUITE 800

ATLANTA, GA 30339

EXAMINER

DESIR, PIERRE LOUIS

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/742,153	Applicant(s) ENZMANN, MARK J.	
	Examiner PIERRE-LOUIS DESIR	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 12-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 15 is objected to because of the following informalities: “of a signal of a signal” should be “of a signal”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Belkin et al. (Belkin), Pub. No. US 20050070288.

Regarding claim 12, Belkin discloses an 802.1x network (i.e., WLAN) (see paragraph 21) comprising: an access point (see fig. 1 and paragraph 22); and a server (see figs. 2-3 and paragraph 22), the server comprising logic configured to determine when a call handoff switch from the 802.1x network to a cellular network is to occur and to communicate with a media gateway to cause the call handoff switch to occur (i.e., as the wireless communication unit moves

closer to the boundary of the WLAN it will be determined that a handover of the ongoing communication may be imminent and thus preparation for a handout must be undertaken, this determination can be done by an entity within the LAN, such as the proxy server or network switching function by assessing signal quality for the signaling or bearer portion of the ongoing communication. Generally if the signal quality level crosses some threshold it is determined that a handover is likely) (see figs. 2-3, paragraph 28).

Regarding claim 13, Belkin discloses a cellular network comprising: call handoff circuitry configured to determine when a call handoff switch from an 802.1x network to the cellular network is to occur and to communicate with a media gateway to cause the call handoff to occur (i.e., as the wireless communication unit moves closer to the boundary of the WLAN it will be determined that a handover of the ongoing communication may be imminent and thus preparation for a handout must be undertaken, this determination can be done by an entity within the LAN, such as the proxy server or network switching function or one of the other network entities (i.e., mobility manager) by assessing signal quality for the signaling or bearer portion of the ongoing communication. Generally if the signal quality level crosses some threshold it is determined that a handover is likely) (see figs. 2-3, paragraph 28).

5. Claims 14-15, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Pan et al. (Pan), Pub. No. US 20040192294.

Regarding claim 14, Pan discloses a server in communication with a media gateway, the server comprising logic configured to determine when a call handoff switch from a cellular network to the 802.1x network is to occur and to communicate with a media gateway that causes

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the media gateway to make appropriate connections to cause the call handoff switch to occur (see paragraph 51, also refer to paragraphs 53.

Regarding claim 15, Pan discloses a server (see claim 14 rejection) wherein said logic determines whether or not a signal level of a signal of a signal being transmitted from the 802.1x network to a wireless device exceeds a signal level of a signal being transmitted from the cellular network to the wireless device, said logic determining that a handoff from the 802.1x network to the cellular network should occur when the signal level of the signal being transmitted from the 802.1x network to the wireless device does not exceed the signal level of the signal being transmitted from the cellular network to the wireless device (i.e., the media gateway 210, detects that the mobile station 202 has reached the outer boundary 208 by measuring the radio signal strength of the mobile station perceived by the access point 212. Upon the radio signal strength reaching a first predetermined minimum threshold value, the media gateway 210 determines whether the mobile station 202 will move back toward the access point 212 such that its signal will improve, or move away from the access point such that communication with the mobile station must be handed-over to the second network 214 in order to maintain the established call. For example, a timer may be set to determine whether the mobile station 202 will return to coverage area such that its signal will improve, or move outside the range of coverage area such that it must handover to the cellular network. Once the communication network 206 detects that the radio signal strength from mobile station 202 has reached a second predetermined minimum threshold value, which is less than the first predetermined minimum threshold value, handover procedures are initiated.

Regarding claim 17, Pan discloses a call handoff switching circuit of a media gateway, the switching circuit being in communication with an 802.1x network and with a cellular network, the switching circuit comprising: first logic configured to determine if a call handoff is to occur from an 802.1x network to a cellular network and to determine if a call handoff is to occur from a cellular network to an 802.1x network; and second logic configured to switch a call connection from an address associated with the 802.1x network to an address associated with the cellular network when the first logic determines that a call handoff is to occur from the 802.1x network to the cellular network, and configured to switch a call connection from an address associated with the 802.1x network to an address associated with the cellular network when the first logic determines that a call handoff is to occur from the cellular network to the 802.1x network (see figs. 3-4, paragraphs 39 and 42).

6. Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by Fors et al. (Fors), U.S. Patent No. 6904029.

Fors discloses a cellular network comprising logic configured to perform a call handoff switch from the cellular network to the 802.1x network so that a call being carried on the cellular network can be switched from the cellular network to the 802.1x network (i.e., the handoff source (i.e., serving cellular network) initiates the handoff of MS from the cellular network to the WLAN) (see col. 6, lines 56-60, also refer to col. 5, line 60-col. 6, line 60).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PIERRE-LOUIS DESIR whose telephone number is (571)272-7799. The examiner can normally be reached on Monday-Friday 9:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pierre-Louis Desir/
Examiner, Art Unit 2617
02/26/2008

/Joseph H. Feild/
Supervisory Patent Examiner, Art Unit 2617